

05.12.2022

Item no.52

Court No.1

SS

***CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri***

C.R.M.(A) 487 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No.115 of 2022 dated 23.01.2022 under Sections 498A/306 I.P.C.

And

In Re : Barun Roy

.... Petitioner

Mr. Anirban Banerjee

....for the petitioner

Mr. Arun Kumar Sarkar

Ms. Namrata Das

..... for the State

Apprehending arrest in connection with New Jalpaiguri Police Station Case No.115 of 2022 dated 23.01.2022 under Sections 498A/306 I.P.C., the present application is preferred praying for anticipatory bail.

Heard learned lawyer for the petitioner as well as the learned Public Prosecutor.

We have perused the case diary and heard the rival submissions.

The victim committed suicide 7 years after marriage. It is submitted that the present petitioner is absconding.

However, on perusal of case diary and other materials and considering the facts that there is no suicidal note implicating the present petitioner, we are of the opinion that custodial detention of the present petitioner is not necessary.

Accordingly, we allow anticipatory bail to the present petitioner upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioner shall attend the Court on each and every date and shall cooperate with the investigation and shall not tamper any evidence or influence the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 487 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)